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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,076	06/27/2003	Frank Yang	PAT-1434CIP	7455
7590	05/25/2006		EXAMINER	
Raymond Sun 12420 Woodhall Way Tustin, CA 92782			ELOSHWAY, NIKI MARINA	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 05/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/609,076	YANG ET AL.	
	Examiner Niki M. Eloshway	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 28 February 2006.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 13-17, 19-23 and 43-48 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 13-17, 19-23 and 43-48 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 13-17 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pfiefer et al. (U.S. 6,626,317) in view of Stein (U.S. 5,328,048). Pfiefer et al. discloses the claimed invention except for the four sidewalls of the shell. Stein teaches that it is known to have a shell with four side walls (see figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the trash can assembly of Pfiefer et al. with the shell having a rectangular cross section, as taught by Stein, in order to enlarge the cavity of the shell, and give it a more conventional shape.

3. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pfiefer et al. (U.S. 6,626,317) in view of Stein (U.S. 5,328,048), as applied to claim 13 above, and further in view of Gora (U.S. 4,663,803). The modified assembly of Pfiefer et al. discloses the claimed invention except for the slot and sleeve hinge arrangement. Gora teaches that it is known to provide an assembly wherein the hinge has a slot and sleeve arrangement (see figures 4, 5, 7 and 8). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified assembly of Pfiefer et al. with the hinge arrangement of Gora, in order to provide a secure yet removable connection between the frame and the lid portions.

4. Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pfiefer et al. (U.S. 6,626,317) in view of Gora (U.S. 4,663,803). The assembly of Pfiefer et al. discloses the claimed invention except for the slot and sleeve hinge arrangement. Gora teaches that it is known to provide an

assembly wherein the hinge has a slot and sleeve arrangement (see figures 4, 5, 7 and 8). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the assembly of Pfiefer et al. with the hinge arrangement of Gora, in order to provide a secure yet removable connection between the frame and the lid portions.

5. Claims 43-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pfiefer et al. (U.S. 6,626,317) in view of Stein (U.S. 5,328,048) and Campanelli (U.S. 2,549,572). Pfiefer et al. discloses the claimed invention except for the four sidewalls of the shell and except for the toe kick recess. Stein teaches that it is known to have a shell with four side walls (see figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the trash can assembly of Pfiefer et al. with the shell having a rectangular cross section, as taught by Stein, in order to enlarge the cavity of the shell, and give it a more conventional shape.

Campanelli teaches that it is known to have an assembly with a toe kick recess (see elements 14 and 15). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified trash can assembly of Pfiefer et al. with the toe kick recess of Campanelli, in order to allow only a portion of the pedal bar to protrude from the front wall.

Response to Arguments

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

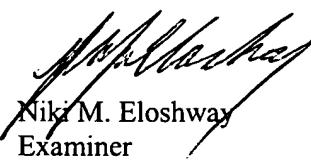
7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niki M. Ełoszway whose telephone number is 571-272-4538. The examiner can normally be reached on Thursdays and Fridays 8 a.m. to 4 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Niki M. Ełoszway
Examiner
Art Unit 3727

nme



NATHAN J. NEWHOUSE
SUPERVISORY PATENT EXAMINER